

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BETTY AGEE, Individually and as Representative of the Estate of RICHARD L. AGEE, (deceased), et al.)	CIVIL ACTION NO.	06-668
)		
Plaintiffs)		
)		
v.)		
)		
A.W. CHESTERTON, et al,)		
)		
Defendants.)		

NOTICE OF APPEARANCE

PLEASE ENTER THE APPEARANCE of Matthew P. Donelson, Esquire and Elzufon Austin Reardon Tarlov & Mondell, P.A. on behalf of defendant, York International in the above captioned matter.

ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.

/s/ MATTHEW P. DONELSON

MATTHEW P. DONELSON (BAR ID#4243)
300 Delaware Avenue, 17th Floor
P.O. Box 1630
Wilmington, DE 19899-1630
302/428-3181
Attorney for Defendant
York International

DATE: November 21, 2006

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <i>Betty Agge, individually and as Representative of the Estate of Richard L. Agge, et. al.</i> (b) County of Residence of First Listed Plaintiff <i>Lauderdale Cty, AL</i> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		DEFENDANTS <i>A.W. Chesterton, et. al.</i> County of Residence of First Listed Defendant <i>Suffolk Cty, MA</i> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>	
(c) Attorney's (Firm Name, Address, and Telephone Number) <i>Jacobs & Crumpler, 9 East 7th Street P.O. Box 1271, Wilmington, DE 19899</i>		Attorneys (If Known) <i>UNKNOWN</i>	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff		<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	
<input type="checkbox"/> 2 U.S. Government Defendant		<input checked="" type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item III)</small>	
		Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT		TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY	
<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	
REAL PROPERTY		PERSONAL PROPERTY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
CIVIL RIGHTS		PRISONER PETITIONS	
<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	
FORFEITURE/PENALTY			
BANKRUPTCY			
OTHER STATUTES			
<input type="checkbox"/> 1 Original Proceeding		<input type="checkbox"/> 2 Removed from State Court	
<input type="checkbox"/> 3 Remanded from Appellate Court		<input type="checkbox"/> 4 Reinstated or Reopened	
<input type="checkbox"/> 5 Transferred from another district (specify)		<input type="checkbox"/> 6 Multidistrict Litigation	
<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment			
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1			
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <i>Diversity Under 28 USC Section 1332</i>			
Brief description of cause: <i>Asbestos Personal Injury Action</i>			
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION <small>UNDER F.R.C.P. 23</small>	
<small>IF ANY</small>		<small>DEMAND \$</small> <i>\$1,000,000.00</i>	
<small>(See instructions):</small>			
JUDGE		<i>None</i>	
DOCKET NUMBER		<i>WIA</i>	
DATE			
<i>11/21/06</i>			
SIGNATURE OF ATTORNEY OF RECORD			
<i>Marty P. Orl</i>			
FOR OFFICE USE ONLY			
RECEIPT #		AMOUNT	
		APPLYING IFFP	
		JUDGE	
		MAG. JUDGE	